

Message Text

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ACTION SCSE-00

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 8469

UNCLAS BRASILIA 4149

E. O. 11652: N/A

TAGS: CASC (LEGROS, FERNAND)

SUBJECT: DETENTION OF FERNAND LEGROS

REF: STATE 124683

1. ON 29 JUNE, CONSOFF MET WITH JONATAHN AVIROM, LEGROS AMERICAN LAWYER REPRESENTING CHARLES MOERDLER, REAL LESSARD, A CANADIAN LAWYER AND FRIED OF LEGROS, JOSE CAMPOS JR, THE RIO LAWYER ORIGINALLY RETAINED BY LEGORS, AND DRS PUJOL AND CARLOS ROBICHEZ PENNA, TWO DISTINGUISHED BRASILIA ATTORNEYS RETAINED BY CAMPOS TO PREPARE THE CASE FOR PRESENTATION TO SUPREME COURT. MEETING LASTED OVER FOUR HOURS AND THE CASE WAS DISCUSSED IN DEPTH.

2. PUJOL, WHO PREPARED THE BRIEF BASED HIS CASE ON SEVERAL POINTS. FIRST, THE FRENCH ARE INCOMPETENT TO TRY A CASE INVOLVING AN ACTION BY TWO AMCITS ON US SOIL. SECOND, THE MAGISTRATE WHO INITIATED THE PROCESS DOES NOT MET THE COMPETENCE REQUIREMENTS OF BRAZILIAN EXTRADITION LAW. THIRD, THE EXTRADITION PETITION IS AT ODDS WITH THE SUPPORTING DOCUMENTS. FOURTH, THE SUPPORTING DOCUMENTS DO NOT MEET THE EVIDENCIARY REQUIREMENTS OF BRAZILIAN LAW. SEVERAL OTHER MINOR POINTS ARE ALSO INCLUDED IN THE BRIEF. PUJOL CHARACTERIZED THE PETITION AS QUOTE ENTIRELY CONFUSED, ABSURD, AND INSUFFICIENT. THEY DIDN' T EVEN CITE THE RIGHT FRENCH LAW. END QUOTE.

3. PUJOL AND ROBICHEZ PENNA WERE QUESTIONED AT LENGTH BY AVIROM AND LESSARD. BRIEF WAS EXAMINED POINT BY POINT
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UNTIL THEY WERE SATISFIED THAT THEY UNDERSTOOD IT COMPLETELY. LESSARD RAISED SEVERAL POINTS OF FRENCH LAW WITH TANGENTIAL BEARING ON THE CASE THAT ROBICHEZ PENNA INTENDS TO USE IN HIS ORAL ARGUMENTS. SINCE BRIEF HAD BEEN SUBMITTED TO THE MINISTRY OF JUSTICE THE PREVIOUS DAU IN ACCORDANCE WITH STATUTORY REQUIREMENTS, IT COULD NOT BE FURTHER AMENDED.

4. AVIROM, LESSARD, AND CONSOFF VISITED LEGROS THE SAME AFTERNOON TO ADVISE HIM OF THE SITUATION. LEGROS SEEMED SATISFIED ALTHOUGH HE MAY RETAIN ANOTHER LAWYER TO CHECK THE BRIEF FOR THOROUGHNESS. IN ANY CASE, IT IS TOO LATE NOW FOR ANOTHER ATTORNER TO PLEAD IT BEFORE THE SUPREME COURT.

5. AVIROM WAS VERY IMPRESSED BY THE BRIEF. IN COMMENTS TO CONSOFF, HE SPOKE HIGHLY OF PUJOL'S PROFESSIONALISM AND THE COMPREHENSIVENESS OF HIS DEFENSE. HE STRONGLY URGED LEGROS NOT TO TRY TO CHANGE LAWYERS AT HIS POINT.

6. DEPT MAY WISH TO PASS THIS INFORMATION TO CHARLES MOERDLER.
CLEVELAND

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*** Current Classification *** UNCLASSIFIED

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